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Chairperson: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant

Seventh periodic report of the Russian Federation

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Seventh periodic report of the Russian Federation (CCPR/C/RUS/7; CCPR/C/RUS/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Matyushkin** (Russian Federation) said that the Russian delegation included representatives of the main government ministries and departments involved in upholding civil and political rights, including the Supreme Court, the Office of the Procurator-General, the Ministries of Justice, Internal Affairs, Health, Defence, Culture, Education and Science, Foreign Affairs and Crimean Affairs, as well as the Central Electoral Commission, the Federal Penal Correction Service, and the Federal Migration Service. In the past few years, the Russian authorities had continued to develop and strengthen national human rights defence mechanisms and to broaden opportunities for the participation of civil society in the realization of human rights at all levels. No less than 70 political parties were now able to take part in elections, and ombudsmen's offices for the defence of human rights, children's rights and the rights of entrepreneurs continued to take on greater responsibilities at both the federal and regional levels.

3. The Presidential Council for the Development of Civil Society and Human Rights included representatives of the most authoritative non-governmental organizations (NGOs) and independent experts. The President met with the Council regularly and issued directives based on its inputs. In 2012, an Internet portal had been set up to serve as a channel for feedback from civil society on draft laws.

4. The Government had also embarked upon a large-scale reform of the penal system which not only involved an improvement of prison conditions but also encompassed the development of a more humane penal and judicial policy approach in general. In recent years, greater use had been made of non-custodial penalties, and the number of persons in pretrial detention and the number receiving prison sentences had both declined. In February 2015, a new law had been adopted that extended the right to visit places of detention to include facilities where foreigners and stateless persons pending expulsion were held. Under a law that had come into force on 2 March 2015, persons with mental impairments could now be deemed to be partially competent instead of being automatically classified as fully incompetent. As a result, the legal capacity and rights of such persons were now afforded stronger protection. The Civil Code had recently been amended to expand citizens' right to sue the Government for compensation and to provide more guarantees for intangible rights such as the rights to honour, privacy, a good name, business reputation and personal or family confidentiality. With the adoption in March 2015 of the Code of Administrative Procedure, the rights of individuals in cases involving such rights had been enhanced.

5. In 2013, the plenum of the Federal Supreme Court had handed down an important decision regarding the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols which would have far-reaching effects throughout the Russian justice system. In his capacity as the representative of the Russian Federation at the European Court of Human Rights, he wished to point out that the number of complaints filed by Russian citizens with the European Court had declined in the past three years from over 40,000 to fewer than 10,000.

6. **Mr. Shany** said that the report and replies to the list of issues, while extensive, nonetheless called for some clarification. Specifically, the Committee would like to receive information about cases in which Russian courts had based their decisions on the Covenant.

He would also appreciate a detailed description of exactly how the Views issued by the Committee under article 5 of the Optional Protocol were taken into consideration by the Russian judiciary in the light of Decision No. 1248-0 of the Constitutional Court. Had laws or policies been changed in order to more closely reflect the Committee's Views? The Committee had expressed the same concerns six years earlier, during its consideration of the previous periodic report, and yet there were at least 21 pending cases in which the State party had evidently failed to comply fully with the Committee's Views.

7. While the authorities had provided a good deal of information on new legislation, the Committee had been unable to find any provisions that explicitly afforded protection for members of the lesbian, gay, bisexual and transgender (LGBT) community against discrimination and hate crimes, and the provisions that it was aware of were limited to the penalization of crimes based on hatred of "a social group". Apparently, the provisions relating to aggravating circumstances in such contexts had never been invoked in cases of violence against LGBT persons, and only a small percentage of such cases were even prosecuted. Did the State party plan to strengthen legal protection against hate crimes and discrimination for sexual minorities? The Committee had been informed that the Russian Government had recently designated bisexual, bigender and asexual behaviour and cross-dressing as "personality disorders" that made such persons ineligible for driving licences. The delegation should explain how and why sexual tendencies or dressing preferences would be relevant to the operation of motor vehicles.

8. In its replies to the list of issues, the State party had denied the assertion that many persons with disabilities were institutionalized but, according to an international NGO, nearly 30 per cent of Russian children with disabilities lived in orphanages, and a law passed in late 2012 that restricted the adoption of such children by United States citizens had reportedly worsened the situation. Notwithstanding the existence of federal and regional programmes for reducing the institutionalization of children with disabilities and promoting their integration in the education system, it was unclear whether such measures were sufficient to open up meaningful opportunities for them. The Committee had also read reports in the press according to which women with mental disabilities were subjected to forced sterilizations and abortions. Would the delegation outline the legal framework relating to such practices and would it like to comment on those reports?

9. The United Nations Special Rapporteur on torture had criticized the authorities for denying methadone treatments to persons in custodial settings, and the Committee had been apprised that the discontinuation of opioid substitution therapy for approximately 800 addicts in Crimea had triggered some 80 deaths due to suicide or overdoses. How did the State party view its obligations in the treatment of addicts? He would like to invite the delegation to respond to allegations that the police had used addicts' medical records to find and arrest, as a breach of medical privacy of that type would raise issues under article 9 of the Covenant. According to some reports, addicts had deliberately been made to suffer withdrawal symptoms in order to extract confessions from them, extort money or coerce them into cooperating with the police. What safeguards existed to prevent such abuses?

10. **Ms. Siebert-Fohr** said that she would like to know what practical steps had been taken to combat the prejudice, discrimination and social exclusion which Roma people reportedly encountered in daily life and in the fields of housing, education, health care and employment, in particular. The Committee had received reports that Roma students had difficulty enrolling and succeeding in school, at least in part because of the language barrier. Could the delegation provide statistics on the number of Roma children who graduated from secondary school? Did the authorities envisage any specific language training programmes to help alleviate the problem? Had any steps been taken to avert or prohibit the forced eviction of Roma persons from their homes? The Committee had also heard that the Roma's lack of official documents such as birth certificates and internal passports was a

serious obstacle to their access to public services. She would be interested to learn what steps had been taken to facilitate access to such documentation and to work permits for the Roma. It would be appreciated if the delegation would comment on reports that, in some cases, Roma parents had been denied birth certificates for their children and that some Roma women had been separated from their children at birth.

11. The question of profiling had been raised by the Committee in its previous concluding observations, and the State party had denied that the practice was a problem. However, the Committee had received disconcerting reports according to which Roma people and persons from Central Asia, the Caucasus and Africa had been the targets of physical and verbal abuse, excessive identity checks, harassment and extortion. According to one NGO, Central Asians were 20 times more likely than other persons to be stopped and frisked. There had been disturbing reports of round-ups of hundreds of men in a village in Dagestan and of raids at supermarkets and other public places in Moscow. It would be helpful if the delegation would provide information on the number of law enforcement officers who had been prosecuted for excesses of that sort. Was an independent body in place to investigate such actions?

12. **Mr. Seetulsingh** said that, while the State party had highlighted the importance of constitutional and other anti-discrimination provisions, including those contained in the Code of Administrative Offences and the Criminal Code, the lack of specific provisions for the protection of LGBT persons was of concern to the Committee. Had the relevant provisions of those Codes ever been invoked to prosecute anyone for discrimination against LGBT persons? And, if so, what sentences had been handed down? The Committee wished to know whether such persons were considered under the law to constitute a protected "social group". What measures had the State taken to promote tolerance of sexual minorities? Had it instituted human rights education activities in schools? He would like to know whether the law adopted in June 2013 that prohibited propaganda in favour of non-traditional sexual relationships had been used to stifle efforts to raise awareness among children of the existence and rights of sexual minorities.

13. The Committee would appreciate learning how many women held positions of responsibility in the Government and, specifically, in the Duma, the Federal Council and the judiciary. Had the State considered adopting temporary special measures to promote women's participation in political and public life? What were the objectives and methods of work of the Coordinating Council on Gender Issues? While the Committee had been told that wage discrimination was prohibited, it would be helpful if the delegation could identify the applicable provisions of the Labour Code and describe how they were enforced. What steps had been taken to eliminate the vestiges of patriarchal attitudes and stereotypes that might persist in Russian society?

14. He would like to know what progress had been made towards the adoption of a federal law on domestic violence. The replies to the list of issues referred to some 40,000 law enforcement officers who had been disciplined for violations in the way that they had processed reports of domestic violence. Had the Government taken any steps to educate officers about the problem? How many of the law enforcement officials who processed such reports were women? There were very few crisis centres and psychological support centres for victims of domestic violence. Were there plans to establish new ones? The Committee was aware that honour killings were considered to be a crime but would be grateful for statistics on the prevalence of the practice. According to the replies to the list of issues, the kidnapping of brides was, as a rule, purely ceremonial and was done by prior agreement with the bride, without the use of force, but the Committee had received reports that actual kidnappings did still take place. Had the State party taken any steps to discourage or change that practice?

15. The State party had reported a 20 per cent decrease in incidents of hazing in the military between 2013 and 2014, but the Committee had heard that, in absolute terms, the number of victims remained high, with dozens of people having been killed in recent years. Could the delegation confirm those figures? Were hazing and human rights issues addressed as a regular part of military training? Organizations of mothers of members of the military and NGOs reportedly monitored the situation with regard to hazing in military units. How did those organizations take part in such monitoring and were they involved in any related investigations? Details on the enforcement of the law under which corporal punishment in the home was a punishable offence would be appreciated.

16. **Mr. Bouzid** asked whether the State party planned to define crimes committed on grounds of nationality or language as hate crimes. Examples of ongoing cases would be appreciated. He wished to know whether it was true that racist crimes were on the rise and that persons from central Asia and the North Caucasus, in particular, were being targeted. What additional measures were planned to address the problem?

17. It had been reported that a quite broad definition of "extremist activity" was being used and that lists of extremist organizations often contained errors. He would be interested to hear the delegation's views regarding those lists. Clarification would also be appreciated about reports that certain groups had been granted the authority to maintain public order and had used excessive violence in doing so but that no investigation had been opened. Details on complaints regarding politicians' use of discriminatory discourse would be helpful, as would information on the ensuing investigations and any compensation awarded in such cases.

18. The details provided in the report regarding the human rights situation in the North Caucasus were not encouraging. He would like further information on the results of the work of the special unit established to investigate human rights violations, particularly with regard to missing persons, and wished to know whether allegations of collective punishment, the killing of police officers and civilians, the burning of houses belonging to relatives of members of the armed forces and violations of the rights of persons linked to the Salafist movement were true and, if so, what legal procedures were in place to address those abuses.

19. **Sir Nigel Rodley** asked whether the 2006 Federal Counter-Terrorism Act protected individuals' rights by restricting counter-terrorism activities themselves and whether the list of such activities contained in the Act was exhaustive. He wished to hear the delegation's comments on the fact that the wording of article 20 of the Act seemed to suggest that a priori indemnity for persons committing abuses in the course of counter-terrorism activities might be a possibility. What independent controls on the counter-terrorism activities of the executive branch were in place?

20. Developments in respect of the long-standing moratorium on the death penalty were quite encouraging. Confirmation that the Constitutional Court deemed the death penalty to be incompatible with jury trials would be appreciated. If that were not the case, he would be interested to learn how the 2009 decision of the Court was seen to have entrenched the moratorium on the death penalty. In addition, he would be interested to learn whether legislation actually abolishing the death penalty was, at the present stage, deemed to be unnecessary and, if not, how abolition would be achieved.

21. Torture and ill-treatment by law enforcement officials appeared to be a problem in the State party, particularly in areas outside Moscow and St. Petersburg. Information on convictions and sentences for the crime of torture, including those imposed under article 302 of the Criminal Code, would be of interest. He wished to know what penalties were imposed in practice, given that those provided for by articles 286 and 382 of the Criminal Code were more severe than those provided for by article 117, which dealt explicitly with

torture. Clarification would be helpful as to whether the Investigative Committee of the Russian Federation was the same committee that had accused members of the Presidential Council for the Development of Civil Society and Human Rights of breaking the law after they had claimed that the persons who reportedly confessed to the killing of Boris Nemtsov had been tortured. If the Investigative Committee had indeed made those accusations, its nature and ability to fulfil its duties would be in doubt. It seemed that articles 286 and 302 of the Criminal Code constituted a suitable prohibition of torture under international law.

22. He wished to know what measures were in place to ensure that foreigners, particularly those detained pending removal from the country, had access to advice and assistance and what type of diplomatic assurances and follow-up procedures were required by the State party when deporting persons to a country where they might be at risk of being subjected to torture or ill-treatment. While he was pleased to see a reduction in the number of prison deaths attributable to tuberculosis, the number of deaths from other causes was still high; a breakdown of those causes could inform an effective policy to prevent such deaths. Further information on whether those responsible for the death of Sergei Nazarov had been brought to justice would be appreciated.

23. **Mr. de Frouville** said that the Committee had received reports that some government officials were promoting a stereotypical division of labour between men and women and that legislative measures had been adopted to prevent women from seeking abortions. He would be interested in the delegation's comments on those reports.

24. **Ms. Cleveland** said that some civil society groups had reported that cases of domestic violence were rarely investigated; how many cases were prosecuted annually and what were the outcomes?

25. **Mr. Vardzelashvili** asked how the State party planned to safeguard the health of Ukrainian Army officer Nadiya Savchenko, who had begun a hunger strike more than 80 days previously in order to protest what she claimed was her illegal detention on charges of complicity in the deaths of two Russian journalists in Ukraine. He would like to know whether the authorities had investigated reports that she had been forcibly taken from Ukraine to the Russian Federation and that a key witness had testified against her after being tortured.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m..

26. **Mr. Zimnenko** (Russian Federation) said that the lower courts were kept abreast of current human rights practice on an ongoing basis. Decisions handed down by international bodies were translated into Russian, and information on those judgements was fully systematized. The Committee's reports were disseminated as a means of contributing to a fuller understanding of the Covenant. One specific example of an instance in which the Covenant had been invoked by a court of law was that of a case concerning an unauthorized meeting that had been brought before the Supreme Court. In its decision to set aside the earlier conviction, the Court had invoked articles 18 and 21 of the Covenant. There was a great deal of jurisprudence that referred to the Covenant; judges often drew on the Covenant and other human rights conventions in cases regarding, among other matters, the organization of public protests and protection from torture. The Supreme Court regularly referred to international decisions and instruments in its instructions to lower courts, which were therefore familiar with international practice. The Constitutional Court had not previously referred to the jurisprudence of the Human Rights Committee, but, thanks to the decision of that Court that had been referred to earlier, mechanisms had been put in place under which cases could now be reopened if there were grounds for doing so under international instruments.

27. **Ms. Gurgieva** (Russian Federation) said that all citizens, regardless of their sexual orientation, had equal rights and responsibilities, including those involved in the

establishment of associations. The State party had not passed any legislation prohibiting homosexuality or discriminating against LGBT persons. While there was legislation prohibiting homosexual propaganda, that law was based on provisions of the European Convention on Human Rights under which certain rights could be restricted in order to protect the health and rights of other citizens. It was important to protect young people's health and social values, as the preservation of traditional values was essential in order to ensure the continued existence of Russian culture. A certain amount of sex education was provided in schools, but the discussion of such topics was generally left to the family.

28. **Ms. Solovieva** (Russian Federation), in reply to a series of questions on health, said that medical professionals applied the International Classification of Diseases to determine mental illness and, according to that classification, being a member of the LGBT community did not constitute a psychological disorder. Women were not prohibited from seeking abortions, which, under the law, could be performed only with the woman's informed consent. The law did, however, provide for a so-called "week of silence," during which a woman was given time to reflect on her decision and could seek psychological support. Doctors were entitled to refuse to perform abortions on moral or ethical grounds; in that event, however, the head of the health-care facility in question was required to find a qualified replacement to carry out the procedure.

29. Methadone substitution therapy was prohibited because drug abuse could be treated in other ways, methadone had too many adverse side effects and was effective in only half of all patients, and there was too great a risk that it would seep into the black market. Drug users nonetheless had access to a well-structured assistance system that included psychological care. Inpatient and outpatient rehabilitation services were also available. In 2013, 40 per cent of persons being treated for substance abuse had recovered to the point where they no longer required monitoring. It was not true that patients who had been on methadone substitution therapy in Crimea had had a higher mortality rate since the territory's entry into the Russian Federation. Those who had died had succumbed to other diseases, such as tuberculosis and AIDS. Moreover, only 4 per cent of those who had been undergoing that type of therapy had opted to return to Ukraine in order to continue their treatment.

30. **Mr. Ovchinnikov** (Russian Federation) said that any sort of cruel treatment of detainees was punishable under the law, with the penalty depending on the severity of the effects of the ill-treatment. The rights of persons who were subjected to unlawful interrogation methods were protected, and the Investigative Committee, working under the supervision of the Office of the Procurator, immediately looked into any cases in which ill-treatment occurred. Evidence obtained through ill-treatment could not be adduced in court.

31. **Ms. Trinchenko** (Russian Federation) said that the authorities had been compelled to take measures to prevent the adoption of Russian children by couples in the United States of America because they did not believe that their American counterparts would protect the children once in that country. For example, the situation of such children was not monitored, and Russian consular officials were denied access to children who had been found to be mistreated by their adoptive parents. Moreover, the children were discriminated against by the courts, which had failed to convict a single adoptive parent of ill-treatment, sexual abuse, child pornography or murder. The Russian authorities did not encounter such difficulties with any other country. Nevertheless, efforts were being made to forge a dialogue between the two countries' authorities, although no notable headway had yet been made.

32. **Ms. Vyhovanets** (Russian Federation), replying to questions on the situation of the Roma, said that there were 250,000 Roma living in the Russian Federation, and dozens of autonomous entities were in place at all levels to address their needs. The Roma had access to employment services, and Roma who wished to start a business were eligible for

assistance. Eviction was a process that was governed by law, and any infringements of the law were dealt with through legal proceedings. The Government was bound by law to regularize the legal situation of all undocumented persons, and 65,000 Roma had recently received identification documents, while others were in the process of acquiring Russian citizenship. Roma children enjoyed the same social protection and other rights as their Russian peers. Since the country had joined the European Union Framework for National Roma Integration Strategies, two seminars had been held that had been attended by 50 representatives of Roma NGOs, 200 press releases had been issued to raise awareness of the 2013–2014 Plan for the Social, Economic and Cultural Development of the Roma People, 2.5 million roubles had been allocated for the promotion of social integration for the period 2015–2018 and, beginning in 2016, 4 million roubles would be spent annually on events showcasing Roma culture.

33. **Mr. Matyushkin** (Russian Federation), drawing the Committee's attention to the composition of the delegation, said that gender discrimination was not an issue in the Russian Federation. Increasing numbers of women held senior posts in the parliament, the civil service and the courts. Equal pay for equal work was provided for by law, and compliance was monitored by the labour inspection services. If there was any wage gap, it was largely attributable to the fact that women tended to put their careers on hold while they raised their children. Bride kidnapping was much less frequent than in the past and had, in any case, become more of a whimsical tradition that was carried out with the woman's consent. If a bride had not given her consent, then the act would constitute abduction and would be prosecuted as such.

34. Since the issue of hazing in the military had been brought to light a decade earlier, a determined effort had been made to address the problem by separating career soldiers from conscripts, providing officers with targeted training and setting up video surveillance systems in barracks, among other measures. The Committee's figures on the number of fatalities resulting from hazing were inaccurate, as there had in fact been only five such deaths in 2014.

35. **Ms. Gurgieva** (Russian Federation) said that the concepts of extremist acts, extremist materials and extremists were defined in the law, and steps had been taken to prevent the spread of extremism in the country. For example, the Federal Law on Combating Extremist Activity set out a procedure for determining whether given materials were extremist in nature. The Ministry of Justice kept a list of extremist materials, which currently contained over 2,600 titles, as well as a list of organizations that had been shut down because they had been engaging in extremist activity or whose operations had been suspended pending an investigation; both lists were available to the public on the Ministry's website. A list of persons who had been convicted of engaging in extremist activities was also kept, and the authorities could refer to that list when running background checks in the course of the consideration of different associations' applications for official registration.

36. **Mr. Ovchinnikov** (Russian Federation) said that the annual number of racially motivated killings had remained low, thanks to resolute government efforts to foster tolerance. Perpetrators of hate crimes were severely punished, as was illustrated by the case of a man who had been sentenced to over 14 years' imprisonment for murdering a Tatar simply because he did not look Slavic.

37. **Mr. Matyushkin** (Russian Federation), replying to a question about the use of extremist slogans during election campaigns, said that in 2005 the Central Election Commission had prohibited the screening of a film that contained slogans of that nature.

38. **Mr. Ovchinnikov** (Russian Federation), in response to an earlier question regarding the prohibition of torture, said that the Office of the Procurator reviewed all the relevant decisions of the European Court of Human Rights. The number of law enforcement officers

who were suspected of committing torture was falling, but those who were convicted received harsh penalties.

39. **Mr. Matyushkin** (Russian Federation) said that all allegations of torture at the hands of law enforcement personnel were investigated, including the most recent such case, in which the alleged victim was one of the men accused of murdering opposition politician Boris Nemtsov. As for the protection of human rights in conflict zones, a special unit had been established to deal with human rights issues in the context of counter-terrorism operations. In addition, the authorities were in constant contact with the Council of Europe, which monitored the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms, and all European Union regulations were translated into Russian and transmitted to the proper authorities. Investigators partnered with civil society organizations and the Ombudsman. Victims of human rights violations received compensation in accordance with the rulings of the European Court of Human Rights. Disappearances were investigated, and an integrated database on missing persons had been set up to assist with the identification of remains. A programme was under way in the Caucasus that provided for the participation of victims and their relatives in investigations of human rights violations.

40. **Mr. Malenko** (Russian Federation) said that the review of deportation procedures that was currently under way was being conducted in the light of all the relevant international instruments. The authorities were required to notify the appropriate consulate in connection with all expulsion procedures. If a person under a deportation order applied for refugee status, the deportation procedure was suspended until a decision was taken on the application. Persons who were granted refugee status or temporary asylum were entitled to work even if they did not possess the requisite identification documents.

41. **Mr. Zimnenko** (Russian Federation) said that, since the decision had been taken in 2012 to strengthen the legal framework underpinning deportation proceedings, particular care was being taken to ensure compliance with applicable international instruments and especially with provisions designed to ensure that persons were not deported to countries where they might be subjected to torture or ill-treatment.

The meeting rose at 6 p.m.